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Letter dated 6 February 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 5 February 2001 from Mr. Tariq Aziz, Deputy Prime Minister and Acting Minister for Foreign Affairs of Iraq, to which is appended a series of excerpts from a book by Mr. Giandomenico Picco entitled *Man Without a Gun*. In his book, Mr. Picco discloses the facts concerning the collusion of Mr. Pérez de Cuéllar, former Secretary-General of the United Nations, in a deal for the release of the Western hostages in Lebanon in exchange for his publishing a report assigning responsibility for initiating the Iraq-Iran war to Iraq, thus violating the mechanisms established by Security Council resolution 598 (1987).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Al-Humaimidi**
Chargé d'affaires a.i.

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Annex to the letter dated 6 February 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

One result of the emergence of the so-called new world order is the use of international mechanisms, and specifically the United Nations, to advance the political objectives of certain internationally dominant parties. Iraq was among the first victims of the unlawful use of such international mechanisms. Since early 1990, Iraq has been calling attention to the dangers this policy poses to the credibility of the United Nations and to the principle of the rule of law, and it has called for the repudiation of opportunistic and sordid policies that run counter to the trend of history.

The passage of time and subsequent events have confirmed the error of policies from which the international community has reaped nothing but further disasters and further manifestations of hegemony and of the use of brute force to the detriment of international law and the Charter of the United Nations.

As an example of the unlawful exploitation of international mechanisms, I should like to present to you and, through you, to the States Members of the United Nations, the case described hereunder.

1. On 20 July 1987, the Security Council adopted its resolution 598 (1987), on the conflict between Iraq and Iran. Iraq accepted it, and Iran rejected it for almost an entire year. When Iran finally did accept the resolution, it became the basis for a political settlement between the two countries. In paragraph 6 of the resolution, the Security Council:

> "*Requests* the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Council as soon as possible."

Between 1987 and 1991, no attempt was made to discuss mechanisms for "entrusting an impartial body with inquiring into responsibility for the conflict" because there were urgent tasks to be undertaken that related to the enforcement of the ceasefire, the withdrawal of the forces of each party from the territory of the other, the exchange of prisoners and the normalization of relations between the two countries.

2. On 9 December 1991, a few days before the expiry of his term of office, the Secretary-General of the United Nations, Mr. Javier Pérez de Cuéllar, issued a further report on the implementation of resolution 598 (1987) that contained a conclusion on his part assigning responsibility for initiating the conflict to Iraq (see document S/23273).

3. Iraq responded to the Secretary-General's conclusion with a letter dated 22 December 1991 from its Minister for Foreign Affairs addressed to the President of the Security Council (S/23311, annex and enclosure) stating that paragraph 6 of resolution 598 (1987) had concerned the question of entrusting an impartial body with inquiring into responsibility for the conflict in consultation with Iraq and Iran; that the Secretary-General had not been authorized by the resolution to publish such a conclusion; and that his report had been linked to the deal made by the Secretary-General with Iran for the release of the American hostages in Lebanon.

4. In 1999 former Assistant Secretary-General Giandomenico Picco published a book entitled *Man Without a Gun*, and in it he provides evidence and facts that indicate that the report of former Secretary-General Pérez de Cuéllar holding Iraq responsible for initiating the conflict with Iran was indeed the price paid to Iran in exchange for facilitating the release of the American and European hostages being held in Lebanon. In his book, Mr. Picco presents details of the Secretary-General's contacts, through him, with Iran, Lebanon and Israel for the purpose of closing this deal to Iraq's detriment and in violation of the mechanisms established by resolution 598 (1987).

Accordingly, the report of former Secretary-General Javier Pérez de Cuéllar dated 9 December 1991 is to be considered null and void and inoperative.

I am transmitting to you herewith excerpts from Mr. Picco's book documenting these events.

(*Signed*) Tariq **Aziz**
Deputy Prime Minister and Acting Minister for Foreign Affairs

Enclosure

[Original: English]

Man Without a Gun

One Diplomat's Secret Struggle to Free the Hostages, Fight Terrorism, and End a War

Giandomenico Picco

TIMES BOOKS
RANDOM HOUSE

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Kamal Kharrazi, later appointed foreign minister of Iran in 1997, had just been named ambassador to the United Nations in New York. He denied the charges that Iranian weapons were being sent to Europe and repeated Teheran's interest in improving relations with Washington. How? He had a list of four items: the United States could release frozen Iranian assets, it could lift the embargo on the shipment of several hundred million dollars' worth of weapons bought and paid for by the shah before his ouster in 1979; it could provide support for the Algiers agreement, which the shah and Saddam Hussein had signed in 1975 to delineate the border between the two countries; and it could urge Saddam to withdraw the Iraqi troops who had continued to occupy a piece of Iranian territory since the end of the war. Iran, Kharrazi said, would use its influence on the question of the hostages. He also invited the secretary-general to present to Iran a complete package for the solution to the hostage problem. Kharrazi's direct line to Rafsanjani was already common knowledge as he began his tenure in New York. With his shortlist, he had just served notice to the Americans and the secretary-general that he would be a serious player, not just a government mouthpiece.

Zarif called me in late July to arrange an urgent meeting for the next morning. On July 27, we met in my office. He stated that his government was now moving full speed ahead to assist the secretary-general in closing the hostage file before the end of his term in office. It appeared that all internal opposition had been overcome and that President Rafsanjani was now fully on board. Rafsanjani also wanted Pérez de Cuéllar to visit Teheran soon so that all agreements could be finalized for the conclusion of the hostage affair. Given that our bosses were holding us responsible, Zarif and I were aware as we discussed the various permutations that neither of us could count on what other governments would do. At the end of the day, it would come down to us. So we began to examine what was and wasn't there. There would be no money involved and no assurance that guarantees from other governments would stick. At the center of our work was the politics of the Gulf, which we both understood well. We had worked on the end of the Iran-Iraq war, we knew how the cease-fire had come about, and we knew why Iraq had finally accepted the border between the two countries and withdrawn its occupying troops from Iranian soil.

What else did Iran want after all that? It all seemed to fit into place. Zarif and I each had a big card to play, and we would argue for months about who would go first. But the core of our deal was clear, and if we both delivered, the operation could not be sidetracked by any other government. It was a deceptively simple swap: Iran would do its level best with the groups in Lebanon to free the hostages, and we would deliver Paragraph 6 of UN Resolution 598. If we could get more than that—freedom for Lebanese detainees in Israeli prisons, information about missing Iranians in Beirut and Israeli airmen and soldiers in Lebanon, American "goodwill" reciprocity—it would be frosting on the cake. But the game turned on Paragraph 6.

We knew that Teheran wanted a formal condemnation of Iraq for

starting the war in 1980, but until then we had not realized how crucial it was for it politically. And, of course, the ability to deliver such a condemnation happened to rest in the hands of the secretary-general himself. Paragraph 6 of the Security Council's cease-fire resolution of 1988 specifically requested the secretary-general "to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Security Council as soon as possible." At the time Resolution 598 was drafted, no one could have imagined the role its sixth paragraph was to play in freeing the hostages. The mullahs—indeed, the Iranian people—saw it as a way to obtain justice, which mattered so much to them after all their suffering in the war.

I did not want to commit us too hastily because I wanted to play Paragraph 6 for all I could get—all the hostages, not just some of them. But I told Zarif that I thought we could go ahead with the idea, which in fact was a matter of conscience. The secretary-general's visit to Teheran could be even more successful if Paragraph 6 were implemented at the same time. Zarif responded. In private diplomatic conversations, no one ever expressed doubt that the Iraqis had initiated a massive military offensive on September 22, 1980, although only one person of international stature—German Foreign Minister Hans-Dietrich Genscher—had said so in public. Pérez de Cuéllar and I believed any impartial body couldn't help but reach the same conclusion, though we obviously could not guarantee the outcome.

When Pérez de Cuéllar met with Ambassador Kharrazi on August 1, 1991, he made it clear that he intended to be in touch with Iran and Iraq about Paragraph 6, but he made no formal commitment of how and when he intended to appoint a committee to assess the responsibility for the war. He also made it clear that he wanted a closure of the hostage file in the shortest possible time. Over the next couple of days, Zarif and I went through several iterations of our hostage-release plan, including my "detention" in Lebanon as insurance and the conclusion of the work on Paragraph 6 of Resolution 598. The Iranians also agreed that the search for Ron Arad would be part of the package. At that point, we had yet to make any contact with the government of Israel. Most important, Kharrazi and Zarif said that the groups in Lebanon were now prepared to proceed speedily with the first hostage releases to the secretary-general to make clear to the world that he was the channel to close the entire file.

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On August 7, Pérez de Cuéllar briefed Scowcroft on our discussions with the Iranians over the past two weeks. By that time I was already on my way to Beirut. A day earlier, the Islamic Jihad in Beirut had indicated that it would soon communicate with the secretary-general of the United Nations and send a special messenger to him so that the release of all the hostages could take place. The Iranians were trying to force our hand on Paragraph 6 and the visit of the secretary-general to Teheran; we were trying to force them to get the hostages released. They blinked first.

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On the day of my arrival, Velayati and I met at his home. It was 10 P.M., and since early morning I had been on the go with meeting after meeting. The foreign minister's main concern was the outlook for the UN-sponsored study on the responsibility for the Iran-Iraq war, or what we now referred to simply as "Paragraph 6." Three European professors had been entrusted by the secretary-general to study the matter, I told him. Velayati and the foreign minister of Iraq had already received a formal letter requesting the presentation of their respective versions of the facts as a basis for the professors' study. I could not predict the results of the study, I said, and in any event the results would need to be announced in New York, not Teheran. I then asked if the secretary-general's visit would be a success, to which he answered that he was pleased that the study was definitely under way. We understood each other perfectly.

That day, other Iranian officials had been pressuring me to reveal what the secretary-general's conclusion on Paragraph 6 would be, even though the three professors had yet to complete their work. For my part, I had insisted on the need to get some information on Ron Arad. By then, two names seemed relevant in the search. Mustafa Durani, a Lebanese Shiite militant whose allegiance over the years had varied between pro-Syrian and pro-Iranian groups, had held Arad in captivity at some point in 1989. The second person was Mohammed Hassan Azkari, commander of the Pasdaran, the contingent of Iranian Revolutionary Guards in Lebanon's Bekaa Valley. If I could gain access to these two, I told my Iranian interlocutors, I might learn something about Arad. They were noncommittal but said they would think about my request.

By the time I left Teheran for Switzerland in the early hours of August 30, I knew that if the Israelis were to reciprocate for receiving precise information about the bodies of Fink and Alsheik with the release of some fifty prisoners, we would be able to move ahead. Later that day, I met with Lubrani at the Savoy Hotel in Zurich.

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The logistical chaos of the past seventy-two hours hadn't prevented the one meeting that counted, the one between Pérez de Cuéllar and Rafsanjani. The Iranians had Paragraph 6--what they hoped would be an official judgment naming Iraq the aggressor in their eight-year war—front and center in their minds. My Iranian interlocutors over the past half-dozen years—Nasseri and Zarif, Kharrazi and Vaezi—were all in Teheran, and they peppered me with questions about Paragraph 6, to the point where I felt psychologically tortured by their repeated inquiries.

First and foremost, they wanted to know about the secretary-general's "expectation" for the report being prepared for him and how he might respond. A satisfactory answer, they seemed to suggest, was their quid pro quo for further assistance in the release of Western hostages.

Not surprisingly, the private meeting between Rafsanjani and Pérez de Cuéllar started with Paragraph 6. The Iranian president tried to pin down the secretary-general as to the date when the report would be complete. I wanted to say it would be finished only when the entire hostage slate had been wiped clean. Pérez de Cuéllar said it was his wish that the report be finished by the end of October. By that he really meant he expected all the hostages to be released by then.

For Rafsanjani, the report on Paragraph 6 was so important that he openly stated that any previous linkage between the Iranian frozen assets in the United States and the hostage crisis "had been cut by his government." "We have no intention of linking the two things," he said.

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I spent three days in New York urging the Iranians to follow up on our discussions and specifically to impress upon both Akhtari in Damascus and the groups in Lebanon the understanding that Rafsanjani had achieved with the secretary-general. Meanwhile, Pérez de Cuéllar received from Iran its complete version of how the war against Iraq had started. The Iraqis never replied to a similar request, so the European professors did not have Baghdad's input for their study on Paragraph 6.

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The Iranians met with me to try to extract the nature and timing of the report on Paragraph 6. They were certain that any honest professor could reach only one conclusion, so for them the only remaining question was when and how the professors' conclusions could be presented to Iran's best advantage. Through an off-loading of responsibility by the great powers in drafting the cease-fire resolution, the secretary-general alone was responsible for the report. It was the only leverage on the Iranians that he and I had as individuals, irrespective of what governments might do. I would never recommend that the secretary-general give this up for anything less than a full resolution of the hostage problem. The report was really all that mattered now to the Iranians, and the hostages became only a means to an end in obtaining it.

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Zarif wanted the secretary-general to let Teheran know what the report on Paragraph 6 said before all the hostages were released, but I was not going to waste my only trump card. I argued that if he pressed for an early release of the report, it would appear that Iran doubted the secretary-general's word. On the contrary, I said, the greater the gap between the release of the hostages and the release of the report, the greater the

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weight would be accorded a document we both assumed would identify Iraq as the instigator of the Iran-Iraq war.

Iran wanted to conclude the hostage saga by November 25. But true to form, the dates and procedures suggested by Iranian officials would not come to pass. Zarif now asked specifically if the report on Paragraph 6 could be issued during the week of the twenty-fifth. I reminded him that I had received nothing about the body of Colonel Higgins, nor about the fate of Alec Collett and several others.

We received the report on Paragraph 6 from the European professors in early November but told no one. I took all three copies home and hid them among my other books. The report was academically solid and nonpolitical, and avoided the more inflammatory accusations the Iranians wanted. But it did accuse Iraq of entering Iran with ten armored divisions on September 22, 1980. Although there had been other border skirmishes, the academics judged that the Iraqi tank attack had been a disproportionate reaction and a violation of international law. The freedom of the remaining hostages now depended on this report.

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For us, the day was significant for another reason as well: in New York, the secretary-general's office released Pérez de Cuéllar's Paragraph 6 report on the origin of the war between Iran and Iraq. It took guts. There was little doubt that Iraq had started the conflict, but the argument could have been made that the report was a straight quid pro quo: Iranian support for the hostage-release operation in return for an official document labeling Iraq the aggressor. The fact was, however, that the context of the report had nothing to do with its findings. Well-respected academics had concluded formally and in great detail what everyone in international affairs had known for years. If there was a deal, it was to state the truth in exchange for the freedom of the hostages, both of which were the right things to do, whether in tandem or separately.

The other bone of contention was whether the report could have bought not only the Western hostages but also Ron Arad and the other Israeli MIAs—an argument-cum-accusation leveled at us by Uri Lubrani and his team. I had struggled with this issue personally before the Israelis raised it. Could we have linked the entire operation to Arad? Could we have risked linking the freedom of the hostages to one MIA? But by early September, we were already committed to the Iranian government: How could we even contemplate breaking the word of the United Nations' highest official? Second, we did not believe that incoming Secretary-General Boutros Boutros-Ghali would share our commitment: Would an Egyptian national, even one in the top spot at the United Nations, issue a report critical of a major Arab country? Delaying the report, we thought, might mean that it never got released at all.

The report itself was clear on the central point: "Accordingly the outstanding event under the violations referred to in paragraph 5 above is the attack of 22 September 1980 against Iran, which cannot be justified under the Charter of the United Nations, any recognized rules and principles of international law or any principles of international morality and entails the responsibility for the conflict."*

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It was front-page news in Teheran, sent Iraq to the bicarbonate of soda, but went largely unnoticed elsewhere in the Middle East. Zarif expressed Iran's thanks and appreciation to the secretary-general and said the release of the reports would speed the return of the bodies of Higgins and Buckley. As usual, his timing was off.